

## Topic I: Approach to Enhancing Investigation Methods and Interrogation

In recent years, police interrogation techniques have been subjected to severe scrutiny due to continued cases resulting in acquittals. Therefore, a variety of approaches to enhancing investigation methods and interrogation have been undertaken to secure the nation's trust in investigations.

The police are undertaking studies/research and implementing policies to enhance investigation methods and interrogation, as these are both closely linked to public safety. In addition, in order to aid substantiation through objective evidence, police are pressing forward with the use of scientific techniques in investigations as part of the investigation methods enhancement program.

### (1) Study Group for Enhancing Investigation Methods and Interrogation

#### 1) Reviews undertaken by the Study Group

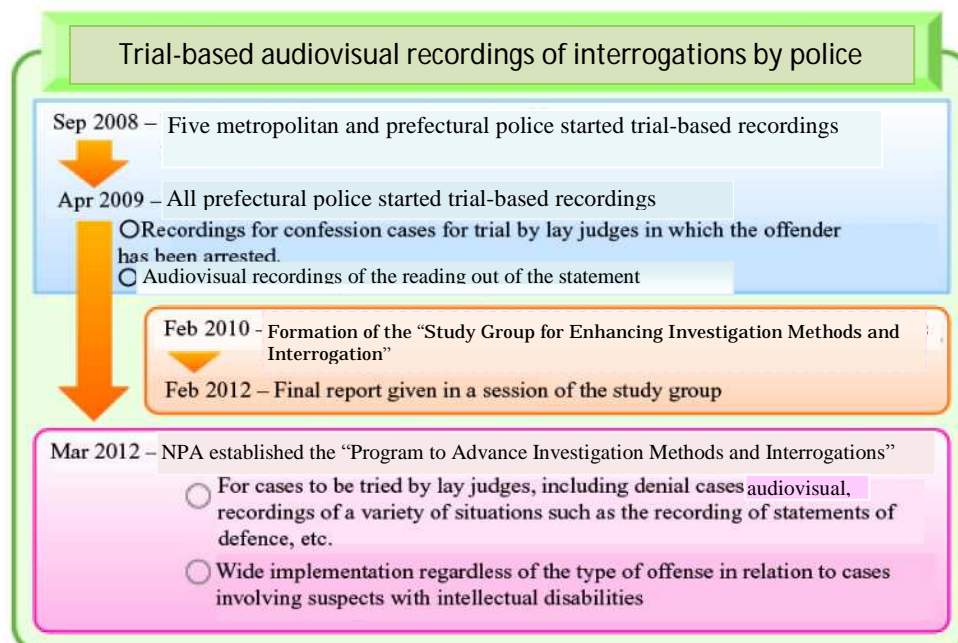
The "Study Group for Enhancing Investigation Methods and Interrogation" (hereinafter "the study group"), chaired by the chairman of the National Public Safety Commission and comprised of experts, was formed for the purpose of conducting reviews from a wide-ranging perspective over a two-year term in order to ensure the transparency of interrogation without compromising public safety levels.



The study group in session

The study group was convened 23 times from February 2010 to February 2012, to conduct reviews in relation to increasing the transparency of interrogation and enhancing investigation methods in view of the results of studies and research into the stance taken towards investigations and relevant matters in other countries.

A mid-term report, compiled in April 2011, revealed that while countries already implementing transparent interrogation were using a variety of investigation methods not yet in use in Japan, interrogations in Japan, in comparison to other countries, had greater significance and played a greater role in clarifying the truth of cases. The final report compiled in February 2012, stated that the scope of trial-based audiovisual recordings of interrogations should be expanded, and that investigation methods that are highly feasible should be examined promptly toward their adoption and be realized if the methods are considered to be highly effective and their introduction is considered to be appropriate even considering the degree of infringement of human rights.



## 2) Approach taken by Police

Based on the study group's final report, the NPA established the "Program to Advance Investigation Methods and Interrogations" in March 2012 and have been promoting the following three mainstay policies.

### i) Expanding of Trial-Based Audiovisual Recordings of Interrogations

In order to look into policies that are effective and efficient for proving the voluntary nature of confessions provided for trials by lay judges, the Metropolitan Police Department (MPD) and other prefectural police started trial-based audiovisual recordings of interrogations in September 2008, and all prefectural police had been implementing trial-based recordings since April 2009. In April 2012, the NPA expanded the scope of trial-based audiovisual recordings of interrogations to include all cases subject to lay-judge ruling, not only cases involving confessions but also, when necessary, cases in which suspects deny the charges and recording of the interrogation at various stages. In May 2012, this audiovisual recording was launched on a trial basis, including for cases in which suspects have intellectual disability.

### ii) Promoting Interrogation Enhancement and Appropriateness

In order to achieve improvements correspond to the times regarding how investigative techniques should be applied in order to properly and effectively obtain a statement that represents the truth through interrogation and how these techniques should be passed on, as well as to increase overall propriety in investigations through accurate investigation supervision and other actions, police are promoting the enhancement and appropriateness of interrogations

### iii) Promoting Investigation Methods

To break away from excessive dependence on interrogations and records of statements, and to respond accurately to crimes that are ever more advanced and complex due to developments in scientific techniques and other factors, and to enable accurate proof through objective evidence, police are striving for the enhancement of investigation methods such as expansion of the DNA profile database and expansion of wiretapping.



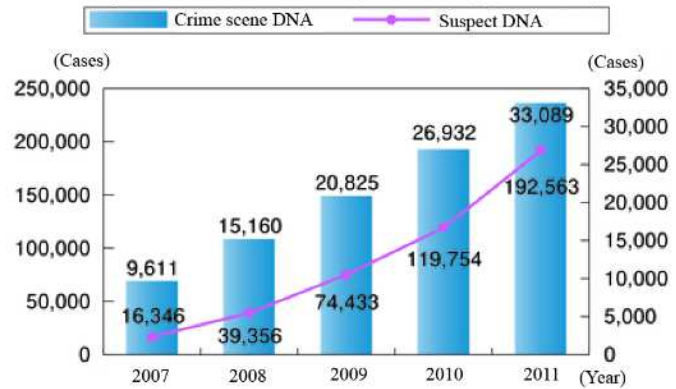
Setting for trial audiovisual recordings of interrogations (representation)

(2) Example of Approach using Scientific Techniques

1) Using DNA profiling, DNA profile databases

From September 2005, the NPA commenced operation of DNA profile database for the registration and comparison of DNA profiles of suspects and DNA profiles gathered from crime scenes. As of the end of December 2011, the number of cases in which suspects were confirmed through the use of the DNA database was 16,456 (12,696 persons).

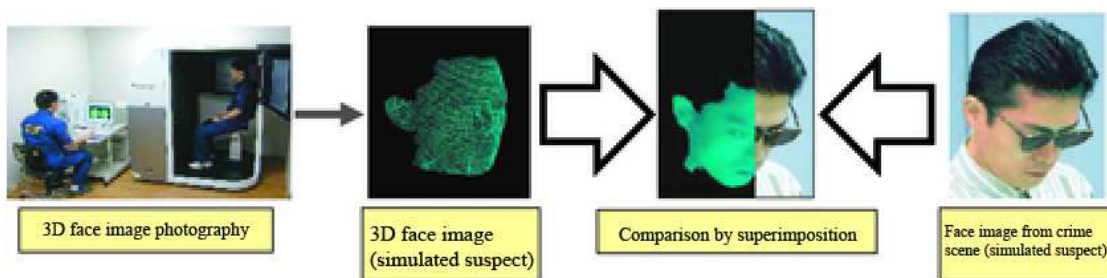
Trends in registered number of suspect DNA profiles, DNA profiles left at crime scenes (accumulated)



2) Security Camera Image Analysis

Police are conducting analyses and identification using images taken by security cameras or other imaging device for use in investigations. The 3D face image identification system is a system that identifies individuals by

comparing these images of faces taken by security cameras to 3D images of a suspect’s face acquired separately. This system coupled with the widespread use of security cameras comprises an effective investigative technique that underlines the suspect’s involvement in a crime.

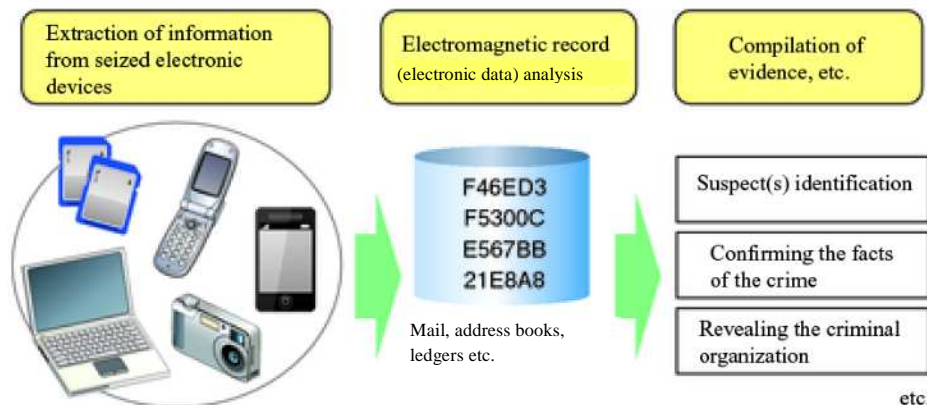


Face image comparison using the 3D face image identification system

3) Enhancing Digital Forensics<sup>1</sup>

Electronic devices such as mobile phones and computers have become widespread among the general public, and are being used in many crimes. Following the amendment of the Penal Code in June 2011, crimes related to electromagnetic records of unauthorized commands (the so called “computer virus crimes”) were newly defined, making the analysis of computer viruses essential and increasing the importance of forensically sound analysis of electromagnetic records in criminal

investigations. In order to respond appropriately to conditions in the rapidly changing field of information and communications, police are cooperating with related agencies to enhance analysis capabilities in relation to electromagnetic records.



Digital forensics

<sup>1</sup>: Techniques and procedures used to analyze electromagnetic records to establish the facts of a crime.